

Please add the following claims:

34 50. (Added) Progeny of the plant of claim ³⁴48, wherein said progeny comprises said vector.

37 51. (Added) Progeny of the plant of claim ³⁵49, wherein said progeny comprises said vector.

38 52. (Added) A method of inducing or increasing production of gamma linolenic acid (GLA) in a bacteria or plant lacking in or producing low levels of GLA which comprises transforming said bacteria or plant with the vector of Claim 4.

39 53. (Added) A method of inducing or increasing production of gamma linolenic acid (GLA) in a bacteria or plant lacking in or producing low levels of GLA which comprises transforming said bacteria or plant with the vector of Claim 5.

40 54. (Added) A method of inducing or increasing production of gamma linolenic acid (GLA) in a bacteria or plant lacking in or producing low levels of GLA which comprises transforming said bacteria or plant with the vector of Claim 6.

REMARKS

In the Office Action dated July 5, 2000, claims 1-14, 18-35 and 47-49 are under consideration. Claims 1-14, 19-21 and 24-31 are allowed, and claims 18, 22-23, 32-35 and 47-49 are rejected.

In response to the Office Action, claims 18, 22-23, 32-35 and 47-49 have been amended and claims 50-54 have been added. It is respectfully submitted that the foregoing amendment, when viewed with the following remarks, is deemed to place the present

application in condition for allowance. No new matter is introduced. Favorable consideration of all pending claims is respectfully requested.

In the Office Action, claims 18, 22 (and claim 23 dependent therefrom), 32-35 and 47-49 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite.

In the first instance, the Examiner contends that claim 18, drawn to a transgenic bacterium or plant comprising the isolated nucleic acid of any of claims 1-3, is unclear as to whether the claimed bacterium or plant is transgenic due to the transformation of said organism with the nucleic acid of claims 1-3.

Applicant submits that claim 18 has been amended to recite "wherein said nucleic acid is integrated into the genome of said bacterium or plant by genetic transformation." It is submitted that claim 18 as amended is not indefinite.

The Examiner also contends that claims 22 and 47-49, drawn to progeny and regenerated plants, are unclear as to whether the progeny and regenerated plants would retain the nucleic acid encoding the desaturase and/or any traits conferred by expression of said desaturase gene.

Applicant submits that claims 22 and 48-49 have been amended to recite "wherein said plant comprises said vector"; and claim 47 has been amended to recite "wherein said progeny comprises said vector." Applicant submits that claim 22 (and claim 23 dependent therefrom) and claims 47-49 as presently recited are not indefinite.

The Examiner further alleges that claims 32-35 are unduly alternative for the recitation "a bacteria or plant deficient or lacking in or producing low levels of GLA".

Applicant respectfully submits that the methods of inducing or increasing production of gamma linolenic acid (GLA) in a bacterium or plant as disclosed in the present



application can be applied to bacteria or plants that are deficient in GLA, e.g., for lacking GLA or producing low levels of GLA. Applicant has amended claims 32-35 to recite "a bacterium or plant deficient in GLA". Applicant has also added claims 52-54 to recite "a bacterium or plant lacking in or producing low levels of GLA." It is respectfully submitted that claims 32-35 as amended and added claims 52-54 are not unduly alternative.

In view of the foregoing, Applicant respectfully submits that the rejection of claims 18, 22-23, 32-35 and 47-49 under 35 U.S.C. §112, second paragraph, is overcome. Withdrawal of the rejection is therefore requested.

Claims 50-51 have been added as drawn to progeny of the plant of claim 48 and claim 49, respectively. Support for claims 50-51 is found in the specification, e.g., at page 4, line 3; and at page 20, line 20 to page 21, line 6.

In view of the foregoing amendment and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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